

SUBCHAPTER 5 PROCEDURES FOR AGENCY ADOPTIONS**Article 7. Revocation of Relinquishment****35153 REVOKING A RELINQUISHMENT****35153**

- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) After a relinquishment has been signed but not filed with the department, the agency shall treat a relinquishing parent's oral or written declaration that he or she wishes to revoke the relinquishment and/or to have the child returned as an expression of intent to revoke the relinquishment.

- (1) Filing includes the department's receipt and acknowledgment of a certified copy of the relinquishment form.

HANDBOOK BEGINS HERE

- (A) The definition of "Filing of the Relinquishment Form" is located at Section 35000(f)(3).

- (2) After receiving a certified copy of the relinquishment form, the department will review the relinquishment form and, if appropriate, issue and acknowledgment.

- (A) The definition of "Acknowledgment" is located at Section 35000(a)(2).

HANDBOOK ENDS HERE

- (3) Upon receipt of such declaration, the agency shall:
- (A) Cease all adoptive planning for the child.
- (B) Give the parent the AD 4317 and advise him or her that:
1. The AD 4317 must be completed and returned to the agency by the date specified.
 2. The AD 4317 must be returned to the agency within 14 days from the date the agency provides the revocation form.
 3. The request for revocation shall be nullified if the form is not completed and returned to the agency by the specified date.

35153	REVOKING A RELINQUISHMENT (Continued)	35153
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- (c) After the completed AD 4317 has been returned to the agency, the agency shall mark "VOID" across the face of all copies of the relinquishment signed by the revoking parent.

- (1) The agency shall file the revoked relinquishment in the adoption case record.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8700, Family Code; and 25 U.S.C. 1901 et seq.

35155	PROCEDURES FOR RETURN OF THE CHILD TO PARENT WHO GAVE PHYSICAL CUSTODY WHEN THE CHILD IS NEITHER DETAINED NOR A JUVENILE COURT DEPENDENT IN OUT-OF-HOME CARE	35155
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- (a) The agency shall return the child who is neither detained nor a juvenile court dependent in out-of-home care to the relinquishing parent who gave physical custody of the child to the agency within a period not to exceed seven working days following receipt of the parent's completed revocation form.
- (1) The time and place for return of the child shall be mutually agreed upon by the agency and the parent.
- (2) The agency shall obtain a signed statement from the revoking parent that physical custody of the child has been returned to him or her.
- (3) At the time of the child's return to the revoking parent, the agency shall inform the parent of available public and community resources.
- (b) If the parent not having physical custody of the child has also relinquished the child, that parent shall be notified immediately that the child is being returned to the revoking parent.

35155	PROCEDURES FOR RETURN OF THE CHILD TO PARENT WHO GAVE PHYSICAL CUSTODY WHEN THE CHILD IS NEITHER DETAINED NOR A JUVENILE COURT DEPENDENT IN OUT-OF-HOME CARE (Continued)	35155
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- (c) If the agency knows or reasonably suspects the **parents** have endangered the physical or mental health of a child by abuse or neglect, the agency shall immediately contact the appropriate child protective agency and file the mandatory "Suspected Child Abuse Report" (Form SS 8572, Revised 1/93) pursuant to Penal Code Section 11166(a).

HANDBOOK BEGINS HERE

- (1) The pertinent part of Penal Code Section 11166(a) is located at Handbook Section 35125.1(a)(1).
- (2) "Child abuse" is defined at Handbook Section 35125.1(a)(1)(A).
- (3) "Child care custodian" is defined at Handbook Section 35125.1(a)(1)(B).

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8700, Family Code; and Sections 11165, 11165.1, 11165.3, 11165.4, 11165.6, and 11165.7, Penal Code.

35156	ADDITIONAL REQUIREMENT IF RELINQUISHED CHILD IS NOT PLACED FOR ADOPTION	35156
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Renumbered to Section 35167(c) by Manual Letter No. AD-98-01, effective 8/1/98.

35157	REVOCATION BY PARENT WHO DID NOT GIVE PHYSICAL CUSTODY WHEN THE CHILD IS NEITHER DETAINED NOR A JUVENILE COURT DEPENDENT IN OUT-OF-HOME CARE	35157
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- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) When a relinquishment of a child who is neither detained nor a juvenile court dependent in out-of-home care is revoked by a parent who did not give physical custody of the child to the agency, the agency shall initiate court proceedings to determine custody of the child and whether the plan for adoption can proceed.

35157	REVOCATION BY PARENT WHO DID NOT GIVE PHYSICAL CUSTODY WHEN THE CHILD IS NEITHER DETAINED NOR A JUVENILE COURT DEPENDENT IN OUT-OF-HOME CARE (Continued)	35157
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- (1) If the other parent has also relinquished the child, that parent shall be notified immediately of the revocation and the initiation of court proceedings.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8700, Family Code; and 25 U.S.C. 1901 et seq.

35159	REVOCATION BY PARENT OF THE CHILD WHO IS INVOLVED WITH THE JUVENILE COURT	35159
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- (a) When the relinquishment is revoked by the parent of a child who is either the subject of a juvenile court petition or a dependent of the juvenile court, the agency shall notify the supervising county welfare department.
- (1) If the agency has provided written notice of the relinquishment pursuant to Family Code Section 8700(h), the agency shall likewise provide written notice of the parent's revocation.

HANDBOOK BEGINS HERE

- (2) The content of Family Code Section 8700(h) is located at Section 35129.2(b)(1)(B)1.

HANDBOOK ENDS HERE

- (b) If the child is neither detained nor a juvenile court dependent in out-of-home care, the agency shall proceed as specified in Sections 35155 and 35157.

HANDBOOK BEGINS HERE

- (c) If the child is detained or a juvenile court dependent in out-of-home care, the decision regarding return of the child to his or her parent(s) rests with the juvenile court, not with the adoption agency.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code and Section 8621, Family Code. Reference: Section 8700, Family Code.

35163	TREATMENT OF REVOKED RELINQUISHMENT FORM	35163
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Renumbered to Section 35153(c) and (c)(1) and title repealed by Manual Letter AD-98-01, effective 8/1/98.

SUBCHAPTER 5 PROCEDURES FOR AGENCY ADOPTIONS

Article 8 Filing of Relinquishment

35165 FILING OF DOCUMENTS WITH THE DEPARTMENT

35165

- (a) The agency shall file with the department all the documents which pertain to freeing a child for adoptive placement and adoption and the supporting information required for the issuance of the AD 4333.

HANDBOOK BEGINS HERE

- (1) Family Code Section 8700, in pertinent part, states:

"(d) The relinquishment authorized by this section has no effect until a certified copy is filed with the department. Upon filing with the department, the relinquishment is final and may be rescinded only by the mutual consent of the department or licensed adoption agency to which the child was relinquished and the birth parent or parents relinquishing the child.

".....

"(f) Notwithstanding subdivision (d), if the relinquishment names the person or persons with whom placement by the department or licensed adoption agency is intended and the child is not placed in the home of the named person or persons or the child is removed from the home prior to the granting of the adoption, the department or agency shall mail a notice by certified mail, return receipt requested, to the birth parent signing the relinquishment within 72 hours of the decision not to place the child for adoption or the decision to remove the child from the home.

"(g) The relinquishing parent has 30 days from the date on which the notice described in subdivision (f) was mailed to rescind the relinquishment.

".....

"(i) The filing of the relinquishment with the department terminates all parental rights and responsibilities with regard to the child, except as provided in subdivisions (f) and (g)."

HANDBOOK ENDS HERE

- (A) Filing includes the department's receipt and acknowledgment of a certified copy of the relinquishment form.

HANDBOOK BEGINS HERE

1. The definition of "Filing of the Relinquishment Form" is located at Section 35000(f)(3).

HANDBOOK CONTINUES

35165 FILING OF DOCUMENTS WITH THE DEPARTMENT
(Continued)**35165**

HANDBOOK CONTINUES

- (B) After receiving a certified copy of the relinquishment form, the department will review the relinquishment form and, if appropriate, issue an acknowledgment.

1. The definition of "Acknowledgment" is located at Section 35000(a)(2).

HANDBOOK ENDS HERE

- (b) The agency, after retaining the relinquishment document for any specified holding period, shall file it with the department as follows:
- (1) Within 10 working days after the expiration of the specified holding period, or
 - (2) Within 10 working days after the day the relinquishment document is signed but no sooner than the close of the next working day following the signing, if the parent requests immediate filing.

HANDBOOK BEGINS HERE

- (A) The relinquishment document is not effective in terminating parental rights if it is submitted by the agency for filing before the expiration of a specified holding period and may be accepted for filing by the department only after the agency resubmits it at the end of the specified holding period.

HANDBOOK ENDS HERE

- (c) The agency shall submit a written statement with the relinquishment document that the parent did not request the return of a child who is neither detained nor a juvenile court dependent in out-of-home care during any specified holding period.
- (d) The agency shall certify in writing that the relinquishment document and the statement of understanding that are filed with the department are true and correct copies of the original documents contained in the files of the agency.

HANDBOOK BEGINS HERE

- (1) The document may be certified by an agency official's statement that reads as follows:

"I hereby certify that this is a true and correct copy of the relinquishment contained in the files of (name of specific licensed adoption agency)".

- (2) The agency official should sign and date the statement.

HANDBOOK ENDS HERE

35165	FILING OF DOCUMENTS WITH THE DEPARTMENT (Continued)	35165
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(e) The agency shall file with the department the following supporting information which pertains to freeing a child for adoptive placement and finalization of the adoption:

- (1) Form AD 90

HANDBOOK BEGINS HERE

- (A) This document is required for the department to issue the AD 4333, which confirms the department's receipt and filing of the relinquishment document terminating parental rights.
- (B) CWS/CMS combines the AD 90 with the AD 551A in the adoption report titled "Request of Receipt of Term Documents."

HANDBOOK ENDS HERE

- (2) Form AD 551A.

HANDBOOK BEGINS HERE

- (A) This document is required for the department to issue the AD 4333, which confirms the department's receipt of court orders and confirms the foreign births of children.
- (B) CWS/CMS combines the AD 90 with the AD 551A in the adoption report titled "Request of Receipt of Term Documents."

HANDBOOK ENDS HERE

- (3) Copies of court orders terminating parental rights, as appropriate.
- (4) Copies of notices sent to alleged fathers under Family Code Sections 7662, 7664, 7666, and under Welfare and Institutions Code Section 316.2 and proof of service, as appropriate.
- (5) Certified copies of the relinquishment document, as appropriate.
- (6) Copy of signed Statement of Understanding attached to each certified copy of the relinquishment document.
- (7) Copy of any psychiatric/psychological evaluation and statement of the conservator, as appropriate.
- (8) Copies of Judicial Council 'Paternity-Waiver of Rights' (JV-505) and other copies of waiver of further notice to the adoption proceedings, as appropriate.

35165	FILING OF DOCUMENTS WITH THE DEPARTMENT (Continued)	35165
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- (9) Copies of denials of paternity, as appropriate.
- (10) Copies of documents pertaining to a child who is freed for adoptive placement and finalization of adoption in another state, as appropriate.

HANDBOOK BEGINS HERE

- (A) The department will mail the Form AD 4333 to the agency.

HANDBOOK ENDS HERE

- (f) The agency shall send the relinquishing parent a copy of the filed relinquishment document.
- (g) The agency shall file with the department the ICPC 100B when the adoption will be completed in another state.
- (1) If the adoption did not meet the requirements of the Interstate Compact on the Placement of Children as set forth in Sections 35401, 35405, and 35407, the agency shall notify the department in writing of the completion of the out-of-state adoption.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 1183, Civil Code; Sections 7611, 7612, 7630, 7631, 7660, 7661, 7662, 7663, 7664, 7665, 7666, 7669, 8604, 8605, 8606, and 8700, Family Code; Section 316.2, Welfare and Institutions Code; and Sections 415.10, 415.30, 415.40, 417.10, and 417.20, Code of Civil Procedure.

SUBCHAPTER 5 PROCEDURES FOR AGENCY ADOPTIONS

Article 9. Rescission of Relinquishment

35167 AUTHORITY FOR RESCISSION

35167

- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) A relinquishment which has been filed with the department shall be rescinded only as specified at Family Code Section 8700.

- (1) Filing includes the department's receipt and acknowledgment of a certified copy of the relinquishment form.

HANDBOOK BEGINS HERE

- (A) The definition of "Filing of the Relinquishment Form" is located at Section 35000(f)(3).

- (2) After receiving a certified copy of the relinquishment form, the department will review the relinquishment form and, if appropriate, issue an acknowledgment.

- (A) The definition of "Acknowledgment" is located at Section 35000(a)(2).

- (3) Family Code Section 8700, in pertinent part, states:

"(d) The relinquishment authorized by this section has no effect until a certified copy is filed with the department. Upon filing with the department, the relinquishment is final and may be rescinded only by the mutual consent of the department or licensed adoption agency to which the child was relinquished and the birth parent or parents relinquishing the child.

"(e) The relinquishing parent may name in the relinquishment the person or persons with whom he or she intends that placement of the child for adoption be made by the department or licensed adoption agency.

"(f) Notwithstanding subdivision (d), if the relinquishment names the person or persons with whom placement by the department or licensed adoption agency is intended and the child is not placed in the home of the named person or persons or the child is removed from the home prior

HANDBOOK CONTINUES

35167	AUTHORITY FOR RESCISSION (Continued)	35167
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HANDBOOK CONTINUES

to the granting of the adoption, the department or licensed adoption agency shall mail a notice by certified mail, return receipt requested, to the birth parent signing the relinquishment within 72 hours of the decision not to place the child for adoption or the decision to remove the child from the home.

"(g) The relinquishing parent has 30 days, from the date on which the notice described in subdivision (f) was mailed, to rescind the relinquishment.

"(1) If the relinquishing parent requests rescission during the 30-day period, the department or licensed adoption agency shall rescind the relinquishment.

"(2) If the relinquishing parent does not request rescission during the 30-day period, the department or licensed adoption agency shall select adoptive parents for the child.

"(3) If the relinquishing parent and adoption agency wish to identify a different person or persons during the 30-day period with whom the child is intended to be placed, the initial relinquishment shall be rescinded and a new relinquishment identifying the person or persons completed.

".....

"(h) The filing of the relinquishment with the department shall terminate all parental rights and responsibilities with regard to the child, except as provided in subdivisions (f) and (g)."

HANDBOOK ENDS HERE

(c) If the agency decides not to place the child for adoption with the person or persons named in the relinquishment document, the agency shall notify the relinquishing parent who named the person or persons that the placement will not be made and that he or she has the right to rescind the relinquishment and reclaim the child as provided in Family Code Section 8700(f).

HANDBOOK BEGINS HERE

(1) Family Code Section 8700(f) is located at Section 35167(b)(1).

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 361, Welfare and Institutions Code; Section 8700, Family Code; and 25 U.S.C. 1901 et seq.

35169	RESCINDING A RELINQUISHMENT	35169
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- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) After a relinquishment has been filed with the department, the agency shall treat an oral or written declaration by the relinquishing parent, that he or she wishes to rescind the relinquishment or to have the child returned as a request for rescission.

- (1) Filing includes the department's receipt and acknowledgment of a certified copy of the relinquishment form.

HANDBOOK BEGINS HERE

- (A) The definition of "Filing of the Relinquishment Form" is located at section 35000(f)(3).
- (2) After receiving a certified copy of the relinquishment form, the department will review the relinquishment form and, if appropriate, issue an acknowledgment.
- (A) The definition of "Acknowledgment" is located at Section 35000(a)(2).

HANDBOOK ENDS HERE

- (3) Upon such oral or written declaration by the parent, the agency shall:
- (A) Cease all adoptive planning for the child until the agency reaches a decision regarding the request.
- (B) Give the parent the AD 508.
- (C) Advise the parent that he or she has 14 days from the date the agency provides the rescission form in which to give the agency a written request for rescission.
- (D) Specify the date by which the parent must complete and return the AD 508 to the agency.
- (E) Inform the parent that if the form is not completed and returned to the agency by the specified date, the request for rescission shall be nullified.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8700, Family Code; and 25 U.S.C. 1901 et seq.

35170 CONSIDERATION OF A REQUEST TO RESCIND A RELINQUISHMENT 35170

- (a) In considering a relinquishing parent's request to have the relinquishment rescinded, the agency shall:
- (1) Allow the parent to state his or her reason for seeking rescission of the relinquishment and to present a plan for care of the child.
 - (2) Consider the needs of the child, the adequacy of the parent's plan, the public and community resources, and services available to assist the parent in caring for the child.
- (b) If the agency agrees to rescind the relinquishment, the agency shall:
- (1) Arrange the return of the child.
 - (A) The agency shall return the child to the parent no later than seven working days from the time the decision to rescind is made, if the child is neither detained nor a juvenile court dependent in out-of-home care.
 1. The agency shall mutually agree with the parent regarding the time and place for return of the child.
 2. If the agency knows or reasonably suspects the parent has endangered the physical or mental health of a child by abuse or neglect, the agency shall immediately contact the appropriate child protective agency and file the mandatory "Suspected Child Abuse Report" (Form SS 8572, Revised 1/93) pursuant to Penal Code Section 11166(a).

HANDBOOK BEGINS HERE

- a. The pertinent part of Penal Code Section 11166(a) is located at Handbook Section 35125.1(a)(1).
- b. "Child abuse" is defined at Handbook Section 35125.1(a)(1)(A).
- c. "Child care custodian" is defined at Handbook Section 35125.1(a)(1)(B).

HANDBOOK ENDS HERE

35170 CONSIDERATION OF A REQUEST TO RESCIND A RELINQUISHMENT 35170
(Continued)

- (B) Notify the juvenile court having jurisdiction of the child; the child's attorney, if any; and the relinquishing parent's attorney, if any; of the agency's decision to rescind the relinquishment and make a recommendation regarding the return of the child if the child is a dependent of the court.

HANDBOOK BEGINS HERE

1. If the child is detained or a juvenile court dependent in out-of-home care, the decision regarding return of the child to his or her parent(s) rests with the juvenile court, not with the adoption agency.

HANDBOOK ENDS HERE

- (2) Mark "VOID" on all copies of the relinquishment form signed by the rescinding parent and file the rescinded relinquishment in the case record.
- (3) Obtain a signed statement from the rescinding parent that physical custody of the child was returned to him or her.
- (4) Notify any other relinquishing parent of the rescission and inform that parent of his or her right to rescind the relinquishment also.
- (5) Notify the department of the rescission within three working days from the date the agency agrees to the rescission.
- (c) If the agency's decision is not to rescind, the agency shall:
- (1) Have the decision reviewed by the agency director or his or her designee.
- (2) Provide a copy of the agency's decision not to rescind the relinquishment and the reasons for the agency's decision to the rescinding parent within three working days of the agency's decision.
- (3) Send a copy of the agency's decision to the department within three working days of the agency's decision.
- (4) Notify the juvenile court having jurisdiction of the child; the child's attorney, if any; and the relinquishment parent's attorney, if any of the parent's request to have the relinquishment rescinded and of the agency's decision not to rescind if the child is a dependent of the court.

35170 CONSIDERATION OF A REQUEST TO RESCIND A RELINQUISHMENT 35170
(Continued)

- (d) Notwithstanding Section 35169(b), the agency shall rescind the relinquishment of any parent who, having been notified as provided in Family Code Section 8700(f), delivers, or has delivered by mail or other method, before the end of the 30-day period beginning on the day after the notice was mailed a written request to the agency stating that he or she wishes to rescind his or her relinquishment and/or have the child returned.
- (1) In all such cases, the agency shall:
- (A) Notify the juvenile court having jurisdiction of the child; the child's attorney, if any; and the relinquishing parent's attorney, if any, that the relinquishment has been rescinded if the child is a dependent of the court;
 - (B) Mark "VOID" on all copies of the relinquishment form signed by the rescinding parent and file the rescinded relinquishment in the case record; and
 - (C) Notify the department of the rescission within three working days from the date the written request to rescind the relinquishment was received.
- (2) If the parent identifies a different person or persons with whom the child is to be placed and the agency concurs with this plan, the agency shall accept a new relinquishment as provided in Sections 35130 through 35141.
- (3) If the parent does not wish the agency to engage in further adoptive planning for the child or if the parent identifies a different person or persons with whom the child is to be placed and the agency does not concur with this plan, the agency shall:
- (A) Mutually agree with the parent regarding the time and place for return of the child if the child is neither detained nor a juvenile court dependent in out-of-home care.
 - 1. The agency shall return the child no later than seven working days from the time the request to rescind is made.
 - 2. The agency shall obtain a signed statement from the rescinding parent that physical custody of the child was returned to him or her.
 - (B) Notify all the parties of the parent's decision not to engage in further adoption planning and make a recommendation regarding the return of the child if the child is a dependent of the juvenile court.

35170	CONSIDERATION OF A REQUEST TO RESCIND A RELINQUISHMENT	35170
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1. If the child is detained of a juvenile court dependent in out-of-home care, the decision regarding return of the child to his or her parent(s) rests with the juvenile court, not with the adoption agency.

HANDBOOK ENDS HERE

- (C) Notify any other relinquishing parent of the rescission and inform him or her that he or she may also rescind his or her relinquishment.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8700, Family Code; Sections 11165, 11165.1, 11165.2, 11165.3, 11165.4, 11165.6, 11165.7, and 11166, Penal Code; and 25 U.S.C. 1901 et seq.

SUBCHAPTER 5 PROCEDURES FOR AGENCY ADOPTIONS**Article 10 Application to Adopt****35177 WRITTEN APPLICATION AGENCY ACTIONS, AND
AUTHORITY FOR DISAPPROVAL****35177**

- (a) The agency shall require a written application for adoption before it conducts an assessment of the applicant.
- (b) The agency shall provide information to the adoptive applicant as specified in Sections 35179 and 35179.1.
- (c) The agency shall assess each applicant as specified in Sections 35181 or 35183.

HANDBOOK BEGINS HERE

- (1) The agency may give priority consideration to applicants seeking to adopt a child with characteristics similar to those children for whom the agency is seeking adoptive parents.

HANDBOOK ENDS HERE

- (2) If the anticipated waiting time before the agency begins an assessment is more than six months, the agency shall:
 - (A) Provide the applicant with the names of the other agencies which provide assessment services in the county where the applicant resides; and
 - (B) Inform the applicant of the availability of the federal income tax credit which may reimburse the family for all or part of the cost of an assessment by a licensed private adoption agency.
- (d) The agency shall provide the applicant with written information that describes the Adoption Assistance Program.

HANDBOOK BEGINS HERE

- (1) Publication 152, "Adoption Assistance Program," describes the Adoption Assistance Program.

HANDBOOK ENDS HERE

- (e) The agency shall have the authority to make a determination that the applicant shall not be approved for the adoptive placement of a child at any point in the assessment process.

35177	WRITTEN APPLICATION AGENCY ACTIONS, AND AUTHORITY FOR DISAPPROVAL (Continued)	35177
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- (f) The agency shall not approve an application for the adoptive placement of a child until all of the following requirements have been met:
- (1) The agency has completed the assessment process as specified in Section 35181 or Section 35183.
 - (2) The agency, when it is a licensed private adoption agency, has received written notification from the CDSS - Adoptions Branch that the information contained in an FBI criminal record of an applicant does not preclude an adoptive placement.
- (g) The agency shall provide the applicant with written notification of its decision regarding the adoptive placement of a child with the applicant.
- (1) Written notification of the agency's decision that the application is approved for the adoptive placement of a child shall include identification of age, race, gender and characteristics of children considered for placement.
 - (2) Written notification of the agency's decision not to approve the applicant for adoptive placement, made at any point in the assessment process, shall include identification of the factors which led to the agency's decision.
- (h) The agency shall inform the applicant in writing of the agency's grievance review procedure and the applicant's right to file a grievance with the agency within 30 days of receipt of the decision.
- (1) If the applicant files a grievance with the agency, the agency shall comply with the procedures set forth in Section 35215.
 - (2) When a grievance concerns an action based on an FBI criminal record, the agency shall comply with the procedures set forth at Section 35215(a)(1)(D).

NOTE: Authority cited: Sections 10533, 10553, and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8704 and 8712, Family Code; Section 11105.2, Penal Code; and Section 16119, Welfare and Institutions Code.

35179	INFORMATION TO BE PROVIDED TO AN APPLICANT	35179
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(a) (Reserved)

HANDBOOK BEGINS HERE

(a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) The agency shall provide the applicants with information which shall include but not be limited to:
- (1) Characteristics of children available for adoption through the agency.
 - (A) Information and counseling regarding the need for a community care facility license if a child who has not been legally freed for adoption is to be placed with the applicant.
 - (B) If children under the court's jurisdiction are available through the agency, information about the juvenile court dependency process. This information shall include, but not be limited to:
 - 1. Concurrent services planning.
 - 2. The role of permanency planning families.
 - (C) Availability of national, state, and local adoption exchanges and photo-listing albums.
 - (2) Information about the adoption process, including:
 - (A) Application and assessment requirements.
 - (B) Agency's procedures for providing a copy of the written assessment to the applicant.
 - (C) Approximate length of time it may take to complete the adoption process.
 - (D) Statutory and regulatory requirements for adoption.
 - (E) Availability of any training classes related to adoption or parenting preparation.
 - (3) Information about the agency's fees.
 - (4) Information about any available resources or services that may assist the applicant in meeting the needs of the child, such as:

35179 INFORMATION TO BE PROVIDED TO AN APPLICANT
(Continued)**35179**

- (A) The Adoption Assistance Program.
- (B) Local Mental Health Care Plan (Medi-Cal Mental Health or Mental Health Managed Care).
- (C) Medicaid (Title XIX) for medical and dental services and the Early Periodic Screening Diagnostic and Treatment Program (EPSDT).
- (D) California Regional Center Services.
- (E) Individual Education Program (IEP) and Special Education services available through the local school district.

HANDBOOK BEGINS HERE

- (F) Welfare and Institutions Code Section 16119, in pertinent part, states:

"At the time application for adoption of a child who is potentially eligible for Adoption Assistance Program benefits is made, and at the time immediately prior to the finalization of the adoption decree, the department or the licensed adoption agency, whichever is appropriate, shall provide the prospective adoptive family with information, in writing, on the availability of Adoption Assistance Program benefits, with an explanation of the difference between these benefits and foster care payments. The department or the licensed adoption agency shall also provide the prospective adoptive family with information, in writing, on the availability of reimbursement for the nonrecurring expenses incurred in the adoption of the Adoption Assistance Program eligible child. The department or licensed adoption agency shall also provide the prospective adoptive family with information on the availability of mental health services through the Medi-Cal program or other programs."

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35179

INFORMATION TO BE PROVIDED TO AN APPLICANT
(Continued)

35179

(G) The following information shall be included in this explanation:

1. Adoption assistance, including financial assistance and Medi-Cal benefits, is available to remove or reduce economic barriers preventing families from adopting children who otherwise would remain in long-term foster care.
2. There are significant differences between adoption assistance and foster care as shown in the following chart:

Foster Care

Payments based on child's age and, in some cases, disability.

Family resources and circumstances are not considered in determining payment amount.

Adoption Assistance

Negotiated payment is based on child's needs and family's circumstances.

The maximum payment for which the child is eligible is the foster care maintenance payment that would have been paid based on the age-related state approved foster family home care rate and any applicable state-approved specialized care increment the child would have received if not adopted.

Circumstances of the family are considered in determining payment amount.

35179	INFORMATION TO BE PROVIDED TO AN APPLICANT (Continued)	35179
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Health care is provided by Medi-Cal.

Child eligible for Medi-Cal although family's health insurance must be used first.

Required group home or residential treatment placement would be available for as long as necessary.

Required group home or residential treatment placement would be available for 18 months to address a specific episode or condition justifying that placement. The adoptive parents must actively participate in a plan to reunify the child with the adoptive family.

- (5) Information about additional benefits which may be available to assist in the completion of the adoption.

HANDBOOK BEGINS HERE

- (A) The following benefits may be available to applicants to assist in the completion of the adoption:
1. Reimbursement for non-recurring adoption expenses.
 2. Federal income tax credit which may reimburse the family for all or part of the cost of an adoption.
 3. Employer adoption benefits.
 4. Maternity and paternity leave.

HANDBOOK ENDS HERE

- (6) Information about the availability of services to facilitate contact between the parties to the adoption, before or after the adoption is completed, including the development of a kinship adoption agreement when the applicant is a relative of the child to be adopted.

35179	INFORMATION TO BE PROVIDED TO AN APPLICANT (Continued)	35179
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HANDBOOK BEGINS HERE

- (A) Services to facilitate contact between the parties may include, but are not limited to, the following:
1. Acting as an intermediary in exchange of correspondence between the birth family and the adopted child or adoptive parents.
 2. Facilitating the development of an agreement for post-adoption contact between the parties of the adoption.
 3. Facilitating a meeting of the birth family and adoptive family.

HANDBOOK ENDS HERE

- (7) Laws regarding disclosure of medical and background information about the child.
- (8) Requirements of Family Code Section 8702 and a written copy of the Adoption Information Act Statement.

HANDBOOK BEGINS HERE

- (A) Family Code Section 8702 is located at Section 35151(a)(3)(A)2.
- (B) This is Form AD 908.

HANDBOOK ENDS HERE

- (9) Agency's grievance review procedures.

HANDBOOK BEGINS HERE

- (A) Agency grievance review procedures are located at Section 35233.

HANDBOOK ENDS HERE

- (10) Laws regarding reunion between the adopted child and his or her birth family.

35179	INFORMATION TO BE PROVIDED TO AN APPLICANT (Continued)	35179
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HANDBOOK BEGINS HERE

- (A) "Reunion" refers to post-adoption contact as authorized by Family Code Sections 9203, 9204, and 9205.
1. Family Code Section 9203 is located at Section 35053(b)(1).
 2. Family Code Section 9204 is located at Section 35065.1(a)(1)(A).
 3. Family Code Section 9205 is located at Section 35063(a)(1).

HANDBOOK ENDS HERE

- (11) Information about the full assessment, abbreviated assessment, and updated assessment process.
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HANDBOOK BEGINS HERE

- (A) The full assessment procedure is located at Section 35181.
- (B) The abbreviated assessment procedure is located at Section 35183.
- (C) The updated assessment procedure is located at Section 35183.1.
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HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608 and 8621, Family Code. Reference: Sections 8608, 8702, 8706, 9203, 9204, and 9205, Family Code; Sections 16119 and 16121, Welfare and Institutions Code; and 25 U.S.C. 1901 et seq.

35179.1 INFORMATION REGARDING KINSHIP ADOPTION**35179.1**

- (a) The agency shall provide all the following information to prospective adoptive parents who are considering adoption of a related child:
- (1) Options available to relatives to establish a legally permanent relationship with a related child.

HANDBOOK BEGINS HERE

- (A) The options available to establish a legally permanent relationship may include the following:
1. Adoption.
 2. Kinship Adoption.
 3. Guardianship.

HANDBOOK ENDS HERE

- (2) Resources available to meet the child's needs.

HANDBOOK BEGINS HERE

- (A) The resources, depending on the legal option and regional availability, may include, but are not limited to, the following:
1. Victim's Witness Assistance.
 2. Special education services.
 3. Adoption Assistance Program payments.
 4. Regional Center services.
 5. SSI payments.
 6. Community based relative services.
 7. Foster care payments.

HANDBOOK ENDS HERE

35179.1	INFORMATION REGARDING KINSHIP ADOPTION	35179.1
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(Continued)

- (3) Requirement for a written application under Section 35177 and approval of the application before the child may be placed with the relatives for adoption.
- (4) Requirement for an applicant assessment under Section 35180 or Section 35183.
- (5) Availability of and requirements for a kinship adoption agreement as defined at Section 35000(k)(1)(A), including both of the following:
 - (A) Forms developed under Family Code Section 8714.7(j) which shall accompany the agreement.
 - (B) Services available to assist in the development of the agreement.

HANDBOOK BEGINS HERE

- 1. The services available to assist in the development of a kinship adoption agreement may include, but are not limited to, any of the following:
 - a. Services provided by the agency.
 - (i) Counseling services.
 - (ii) Facilitation services to assist in developing an agreement.
 - b. Mediation or other dispute resolution process provided by the agency, a community-based mediation service, or private professional.
 - c. Court mediation services.

HANDBOOK ENDS HERE

- (6) Requirements that a child age 12 or older must consent to the kinship adoption agreement and that any child who is a juvenile court dependent or the subject of a dependency petition must be represented by an attorney for the purpose of consent to the agreement.
- (b) The agency shall advise the birth parent of the availability of a kinship adoption agreement as defined at Section 35000(k)(1) and of any services as described in Section 35129.1(b)(3)(A) and Sections 35129.2(b)(3)(A) and (B).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8714.5, 8714.7, and 8715, Family Code.

SUBCHAPTER 5 PROCEDURES FOR AGENCY ADOPTIONS**Article 11 Assessment of the Applicant****35180 WRITTEN ASSESSMENT OF THE ADOPTIVE APPLICANT AND DOCUMENTATION 35180**

- (a) The agency shall assess each applicant seeking to adopt a child for whom the agency needs adoptive parents in order to determine the applicant's suitability as a prospective adoptive parent.
- (1) A copy of the written assessment of the adoptive applicant shall be retained in the case file and shall include:
- (A) Identifying information about the applicant and any children and adults residing in the home:
1. Name.
 2. Date of birth.
 3. Sex.
 4. Relationship, if any, to the child to be adopted.
- (B) Summary of the information evaluated.
- (C) Social history, including the results of a screening for any criminal background and any referrals for child abuse or neglect.
1. If the child has been living in the applicant's home, a determination that the child has not been abused or neglected by the applicant.
- (D) Determination of the applicant's commitment and capability to meet the needs of a child which shall include:
1. Description of the age, race, gender and characteristics of children this family, in the agency's judgment, is likely to be willing and able to parent, and whom the agency will consider for placement with the applicant, including:
 - a. Any characteristics of a child for which, in the agency's judgment, the applicant would be unsuitable.

35180	WRITTEN ASSESSMENT OF THE ADOPTIVE APPLICANT AND DOCUMENTATION (Continued)	35180
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- (E) Determination that the applicant's home is safe.
 - (F) Applicant's understanding of the legal and financial rights and responsibilities in adoption.
 - 1. Statement as to whether the applicant has been provided information about the Adoption Assistance Program.
 - (G) Any resources, services or training which would assist the adoptive applicant in meeting the needs of a child.
 - (H) Determination of approval or denial of the application and the reasons for the determination.
- (b) An assessment completed as specified in Section 35181 or Section 35183 shall not be used to meet the requirements for an assessment for an Intercountry Adoption pursuant to Section 35257 until it has been updated by an agency licensed to provide intercountry adoption services.

HANDBOOK BEGINS HERE

- (1) To ensure an assessment completed for the purpose of meeting the requirements of Section 35183 is not used to meet the requirements of Section 35257, the agency may include the following statement at the beginning of each assessment:

"This assessment/home study has been completed to meet the requirements for domestic U.S. adoption only. An assessment/home study completed for intercountry adoption must also show compliance with the requirements of the foreign agency that has been selected (22 C.C.R., Section 35271)."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 361.5, 366.21 and 366.22, and Welfare and Institutions Code; and Section 8715, Family Code.

35181**FULL ASSESSMENT OF THE ADOPTIVE APPLICANT****35181**

- (a) The agency shall have at least 3 separate face-to-face contacts with each applicant for the purpose of interviewing the applicant for the assessment.
- (1) Up to 2 contacts may be adoption training or preparation class sessions.
 - (2) The contacts shall include, at least, all of the following:
 - (A) At least one interview with the applicant in the home.
 - (B) A separate face-to-face interview with each applicant.
 - (C) A joint interview when there are two applicants.
 - (D) A face-to-face interview with all other individuals residing in the home.
 - (E) Additional interviews as necessary.
- (b) The agency shall obtain from the applicant, at least, all of the following information:
- (1) Identifying information:
 - (A) Full name, including aliases and maiden names.
 - (B) Current address and telephone number.
 - (C) Date of birth.
 - (D) Sex.
 - (2) Blood relationship to child, if any.
 - (3) Race and ethnic background information.
 - (4) Religion, if any.
 - (5) Verification of employment or income.
 - (6) Marriage certificate, if married.
 - (A) Verification of termination of prior marriages.

35181**FULL ASSESSMENT OF THE ADOPTIVE APPLICANT****35181**

(Continued)

1. When verification of the dissolution of all marriages of the applicants is not possible, the marriages preceding a verified divorce decree shall be assumed to be validly dissolved.

HANDBOOK BEGINS HERE

2. A valid divorce presupposes that the marriage was valid.

HANDBOOK ENDS HERE

- (7) Names, date of birth, sex of other individuals in the home and personal or biological relationship to the applicant.
- (8) Names, dates of birth and location of any minor children of the applicant who are not living in the home of the applicant.
- (9) Report of a medical examination of each applicant.
 - (A) The report shall be completed by a licensed physician or a nurse practitioner or physician's assistant practicing under a licensed physician.
 - (B) The report shall be completed no more than 6 months before the date of the application to adopt.
 - (C) The agency may substitute a health questionnaire completed by the applicant for the medical report if both of the following conditions exist:
 1. The applicant is the current care giver of the child or a relative seeking to adopt a specific child, and
 2. The completed questionnaire does not, in the agency's judgment, identify indicators requiring further evaluation or report.
 - a. If in the agency's judgment, sufficient additional information is obtained from the physician who has been treating a specific condition identified in the questionnaire, additional medical examination is not necessary.
- (10) A certificate, for each adult residing in the home, stating that the individual is free from communicable tuberculosis.
- (11) The names of three individuals to be contacted by the agency for the purpose of obtaining references.

35181	FULL ASSESSMENT OF THE ADOPTIVE APPLICANT	35181
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(Continued)

- (12) The results of a screening for any criminal background of the applicant and any other adults residing in the home and, if required by Section 35184(e)(1), the FBI criminal record, if any, from the DOJ.
- (13) The results of a screening for prior referrals for child abuse or neglect.
- (14) Authorization for information from additional sources to be released to the agency, as necessary, to complete the assessment.

HANDBOOK BEGINS HERE

- (A) Examples of some additional sources of information that may be necessary to complete the assessment of the applicant include any of the following:
 - 1. Financial.
 - 2. Medical/psychological.
 - 3. Employment.
 - 4. School records and statements on the general health of any minor children residing in the applicant's home.
 - 5. Juvenile criminal clearance of any minor residing in the home.
 - 6. Criminal record screening.
 - 7. Child abuse index screening.
 - 8. Department of Motor Vehicles check.

HANDBOOK ENDS HERE

- (15) Authorization for the adoption agency to release a copy of the written assessment to other adoption and child welfare agencies for the purpose of matching the applicant with a child for adoption.
- (c) In assessing the adoptive applicant, the agency shall consider the following factors for the applicant, as well as any children or other adults residing in the home:
 - (1) Social history, including the following:
 - (A) Personal characteristics and current functioning.

35181	FULL ASSESSMENT OF THE ADOPTIVE APPLICANT	35181
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(Continued)

- (B) The results of a screening for any criminal record and child abuse index report.
- (2) A determination of the applicant's commitment and capability to meet the needs of a child including both of the following:
 - (A) Basic needs.
 - (B) The specified needs of an identified child related to the assessment of the child under Sections 35127.1 and .2.
- (3) The applicant's understanding of the legal and financial rights and responsibilities in adoption.
- (4) Motivation for seeking adoption and the ability and willingness to assume permanent responsibility for the care, guidance and protection of a child through adoption.
- (5) Adequacy of housing.
- (6) Social support system.
- (7) Financial stability.
- (8) General characteristics:

HANDBOOK BEGINS HERE

- (A) Family and marital relationships, if applicable.
 - 1. Feelings and attitudes regarding the inability of the applicant to conceive children when this is a factor in the adoption.
- (B) Parenting practices.
- (C) Ability to help a child accept adoptive status.
- (D) Cultural competence.
- (E) Any other factors that, in the agency's judgment, affect the potential safety and stability of a child placed with the applicant.
 - 1. Feelings and attitudes regarding sexuality if the applicant will consider parenting a child who has a history of sexual abuse.

HANDBOOK ENDS HERE

35181	FULL ASSESSMENT OF THE ADOPTIVE APPLICANT	35181
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(Continued)

- (9) The preparation or plan the applicant has made for care of the minor in the event of death or incapacity of the adoptive parent or parents.
- (10) The ability of the applicant to work with a child welfare agency in support of a case plan for a child who is a dependent of the juvenile court.
 - (A) Whether the applicant is willing and able to be a permanency planning family.
- (d) If the adoptive applicant is a relative, the agency shall consider both of the following factors:
 - (1) The nature of the relationship the relative has with the birth parent or other extended family members.
 - (2) Whether the relative would like to enter into a kinship adoption agreement and, if so, what kind of post-adoption contact the relative would like to have with the birth parent or other family members.
- (e) If the adoptive applicant is a birth parent of the child to be adopted, the following factor shall also be considered:
 - (1) If the child was a dependent of the juvenile court, whether the conditions which led to the child's removal from the parent still exist.
- (f) The agency shall identify any resources, services or training needed to facilitate the adoptive applicant's ability to meet the needs of the child.

HANDBOOK BEGINS HERE

- (1) An existing full assessment may be updated pursuant to Section 35183.1.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 361.5, 366.21, and 366.22, Welfare and Institutions Code.

35183	ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT	35183
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- (a) The agency may conduct an abbreviated assessment under any of the following conditions:
- (1) The applicant is the current caregiver of the child to be adopted, and
 - (A) Is licensed or certified as a foster family home, and
 - (B) Has cared for the child, under the supervision of an adoption or child welfare agency, for at least six months.
 - (2) The applicant is an existing relative caregiver of the child to be adopted who was assessed under Welfare and Institutions Code Section 361.3, and written documentation of the assessment is available to the adoption agency.
 - (3) The applicant has successfully completed a prior agency, independent or intercountry adoption in California within the last five years and both of the following conditions exist:
 - (A) An approved written assessment was made as required by Section 35180 (agency), Section 35081 (independent), or Section 35257 (intercountry).
 - (B) The written assessment document is available to the agency completing the current assessment.

HANDBOOK BEGINS HERE

- (C) An existing abbreviated assessment may be updated pursuant to Section 35183.1.

HANDBOOK ENDS HERE

- (b) The agency shall have at least one face-to-face contact with each applicant for the purpose of interviewing the applicant for the assessment.
- (1) The contact shall include, at least, all of the following:
 - (A) One interview in the home of the applicant.
 - (B) A separate face-to-face interview with each applicant.
 - (C) A face-to-face interview with all individuals residing in the household, including the child to be adopted.
 - (2) The contact shall include additional interviews as necessary.
- (c) The agency shall obtain from the applicant, at least, the following information:

35183	ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT	35183
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(Continued)

- (1) Identifying information:
 - (A) Full name, including aliases and maiden names.
 - (B) Current address and telephone number.
 - (C) Date of birth.
 - (D) Sex.
- (2) Blood relationship to child, if any.
- (3) Religion, if any.
- (4) The following information only if it is not documented in previous assessments or, in the judgment of the agency, the applicant's circumstances have significantly changed since the previous assessment:
 - (A) Name and address of employer and length of time employed or most recent income tax return if self employed.
 - (B) Marriage certificate, if married, and verification of termination of prior marriages.
 1. Any marriages and dissolutions occurring before a prior California adoption shall be assumed to have been valid at the time of the prior adoption.
 2. When verification of the dissolution of all marriages of the applicants is not possible, the marriages preceding a verified divorce decree shall be assumed to be validly dissolved.

HANDBOOK BEGINS HERE

3. A valid divorce presupposes that the marriage was valid.

HANDBOOK ENDS HERE

35183	ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT	35183
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(Continued)

- (C) Names, dates of birth and location of any minor children of the applicant who are not living in the home of the applicant.
- (5) Names, date of birth, sex and relationship of other individuals in the home.
- (6) Report of a medical examination of each applicant.
 - (A) The report shall be completed by a licensed physician or a nurse practitioner or physician's assistant practicing under a licensed physician.
 - (B) The report shall be completed no more than six months before the date of the application to adopt.
 - (C) The agency may substitute a health questionnaire completed by the applicant for the medical report if both of the following conditions exist:
 - 1. The applicant is the current caregiver or a relative seeking to adopt a specific child, and
 - 2. The completed questionnaire does not, in the agency's judgment, identify indicators requiring further evaluation or report.
 - a. If in the agency's judgment, sufficient additional information is obtained from the physician who has been treating a specific condition identified in the questionnaire, additional medical examination is not necessary.
- (7) A certificate for each adult residing in the home stating that the individual is free from communicable tuberculosis.
- (8) The name of at least one individual to be contacted by the agency for the purpose of obtaining a reference.
- (9) The results of a screening for any criminal background of the applicant and any other adults residing in the home, unless the agency has a current contract with the DOJ for the Subsequent Arrest Notification Services regarding them as specified in Section 35184(d), and, if required by Section 35184(e), the FBI criminal record.

35183	ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT	35183
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(Continued)

- (10) The results of a screening for prior referrals for child abuse or neglect.
- (11) Authorization for information from additional sources to be released to the agency, as necessary to complete the assessment.
- (12) Authorization for the agency to release a copy of the written assessment to other adoption and child welfare agencies for the purpose of matching the applicant with a child for adoption, if the applicant is seeking to adopt a child who is not already living in the applicant's home.
- (13) The name of the agency that completed any prior assessment related to the care of a child as identified in Section 35183(a) and the approximate date the assessment was completed.
 - (A) Authorization for the agency to obtain the prior assessment.
- (d) In assessing the adoptive applicant who meets the requirements for an abbreviated assessment as specified in Section 35183(a), the agency shall consider the following factors for the applicant, as well as for any children or other adults residing in the home:
 - (1) Any changes in circumstances since the prior assessment which the agency considers significant and which shall include, at least, all of the following:
 - (A) Marital status.
 - (B) Family constellation.
 - 1. If the applicant adopted previously, the adjustment of the child and family to the adoption.
 - (C) Household membership.
 - (D) Employment and income.
 - (E) Health.
 - (F) Housing.
 - (G) Results of a screening for any criminal record or child abuse index report.

35183**ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT****35183**

(Continued)

- (2) Any factors which, in the agency's judgment, affect the potential safety and stability of a child placed with the applicant.
- (3) A determination of the applicant's commitment and capability to meet the needs of a child including both of the following:
 - (A) Basic needs.
 - (B) The specified needs of an identified child related to the assessment of the child under Section 35127.1 and Section 35127.2.
- (4) Understanding of the legal and financial rights and responsibilities of adoption and of the differences inherent in an adoptive parenting relationship.
- (5) If a specific child has been identified, the nature of the relationship with the child who is to be adopted, including the duration and character of the relationship and the motivation for seeking adoption of the child.
- (6) The preparation or plan the applicant has made for care of the minor in the event of death or incapacity of the adoptive parent or parents.
- (7) The ability of the applicant to work with a child welfare agency in support of a case plan for a child who is a dependent of the juvenile court.
 - (A) Whether the applicant is willing and able to be a permanency planning family.
- (e) If the adoptive applicant is a relative, the agency shall consider both of the following factors:
 - (1) The nature of the relationship the relative has with the birth parents or other extended family members.
 - (2) Whether the relative would like to enter into a kinship adoption agreement and, if so, the kind of post-adoption contact the relative would like to have with the birth parent or other family members.
- (f) If the applicant is the current caregiver of the child to be adopted, the agency shall consider the following:
 - (1) The adjustment of the child and the family since the child joined the family.

35183	ABBREVIATED ASSESSMENT OF THE ADOPTIVE APPLICANT	35183
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(Continued)

- (2) The applicant's understanding of the ability to meet the needs of the child, including any special needs.
- (3) The nature of the relationship or contact, if any, between the applicant and the child's birth parents, any of the child's siblings or half-siblings not residing with the child, or extended family members and plans for any ongoing contact.
- (4) The applicant's understanding of the child's needs and the circumstances which led to the child's out-of-home placement.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 361.5, 366.21 and 366.22, Welfare and Institutions Code.

35183.1	UPDATING AN EXISTING ASSESSMENT OF THE ADOPTIVE APPLICANT	35183.1
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- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) The agency may update an existing assessment which was completed pursuant to Section 35181 or 35183 before placing a child in the applicant's home.
- (1) An agency other than the agency that completed the existing assessment may complete the update of the applicant's assessment.

HANDBOOK ENDS HERE

- (b) The agency shall obtain authorization from the applicant to obtain the prior assessment.
- (1) The agency shall include in the updated assessment, the name of the agency that completed the prior assessment and the date the assessment was completed.
- (c) An update to an existing applicant assessment shall be completed in any of the following circumstances:
- (1) In the agency's judgment, significant changes have occurred in the applicant's circumstances since the completion of the existing assessment which warrant such an update before the placement of a child in the home.

35183.1	UPDATING AN EXISTING ASSESSMENT OF THE ADOPTIVE APPLICANT (Continued)	35183.1
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(A) Examples of some circumstances which may warrant updating an applicant assessment include the following:

1. Change in marital status.
2. Significant change in health.
3. Birth of a child to the applicants.

HANDBOOK ENDS HERE

(B) Two years have passed since an agency completed the existing applicant assessment and the adoption of a child placed in the applicant's home, under the supervision of a child welfare or adoption agency, has not been finalized.

(C) Two years have passed since an agency completed the existing applicant assessment. The adoption of a child placed in the applicant's home, under the supervision of a child welfare or adoption agency, has not been finalized and a second child is being placed for adoption in the home.

(D) Three years have passed since the existing applicant assessment was completed by an agency and no child, under the supervision of a child welfare or adoption agency, has been placed in the applicant's home during that time.

(d) The agency shall complete an update of an existing assessment by following the format for an abbreviated assessment at Section 35183(b) and shall include information pursuant to Sections 35183(c) through (f), as necessary.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 361.5, 366.21, and 366.22, Welfare and Institutions Code.

35184	CRIMINAL BACKGROUND CHECK OF APPLICANTS	35184
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(a) The agency shall complete a criminal record check of all applicants and any other adults residing in the home to obtain, if any, the full state criminal record from the Department of Justice (DOJ) pursuant to Family Code Section 8712(a).

35184	CRIMINAL BACKGROUND CHECK OF APPLICANTS (Continued)	35184
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HANDBOOK BEGINS HERE

- (1) Family Code Section 8712(a) states:

"The department or licensed adoption agency shall require each person filing an application for adoption to be fingerprinted and shall secure from an appropriate law enforcement agency any criminal record of that person to determine whether the person has ever been convicted of a crime other than a minor traffic violation. The department or licensed adoption agency may also secure the person's full criminal record, if any."

- (2) "A criminal background check of all applicants will facilitate a determination of their suitability as prospective adoptive parents. This check will indicate any pattern of criminal behavior and history of acts involving violence (including domestic violence), child abuse or neglect, and crimes against children that affect the applicant's parenting ability."

HANDBOOK ENDS HERE

- (b) The agency shall obtain copies of the full criminal record and the child abuse index report, if available, from the county or licensing agency if:

- (1) The applicants are licensed or certified foster parents.

- (2) The applicants are relatives of the child being adopted.

- (c) For all other applicants for whom criminal record information is not otherwise available from counties or licensing agency, the agency shall submit to the DOJ one set of fingerprints for each applicant.

- (1) The agency shall clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance.

HANDBOOK BEGINS HERE

- (A) Form BID-7 is used to submit a set of fingerprints to the DOJ.

1. The BID-7 Forms may be ordered at no charge from the DOJ.

- (B) The DOJ procedure for obtaining a criminal record is described in the "APPLICANT FINGERPRINT CLEARANCE MANUAL." This manual may be obtained from the DOJ at no cost.

HANDBOOK CONTINUES

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- (C) DOJ requires that a check or money order payable to the "California Department of Justice" accompany the submittal of the fingerprint cards unless the agency has arranged for a monthly billing service.

- (D) The address for the DOJ is:

Department of Justice
Applicant and Public Service Section
P.O. Box 903417
Sacramento, CA 94203-4170

1. For an additional minimal fee, expedited processing which returns the clearances to the agency in approximately twenty five (25) working days is available. The address for this service is:

Department of Justice
Applicant Expedited Services
P.O. Box 903347
Sacramento, CA 94203-3470

- (E) If the fingerprints cannot be read by DOJ, the prints should be retaken and resubmitted to DOJ. The first set which were not readable should be attached to the second submittal. If the second set cannot be read, a third set should be taken and submitted. The first two attempts should be attached to the third submittal. If the third set cannot be read, the agency may accept a name check by DOJ. The case record should indicate these attempts.

1. After three unsuccessful print submittals, the agency may also have the applicant obtain a letter stating the findings after a name check in the California Law Enforcement Telecommunication System (CLETS) has been completed by the local law enforcement agency having jurisdiction in the city and/or county of their residence.

- (F) In lieu of rolling inked fingerprints on standardized fingerprint cards, applicants, may use the California Crime Information Intelligence System (CAO-CII) also known as "Live Scan Technology", when available. The Live Scan Technology provides electronic finger imaging. Each print is immediately calculated and the data transmitted electronically to DOJ for processing. This process has virtually no rejected fingerprints and greatly expedites fingerprint processing.

HANDBOOK ENDS HERE

35184	CRIMINAL BACKGROUND CHECK OF APPLICANTS	35184
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(Continued)

- (d) The agency shall contract with the DOJ for the Subsequent Arrest Notification Service in order to receive arrest information subsequent to the original DOJ criminal record sent to the agency and pending the court order granting the adoption.
- (1) When the adoption has been finalized, denied, or dismissed, the Bureau of Criminal Identification shall be asked to discontinue sending subsequent arrest information about a subject previously fingerprinted for adoption purposes pursuant to Penal Code Section 11105.2(c).

HANDBOOK BEGINS HERE

- (A) Penal Code Section 11105.2(c) states:

"Any agency which submits the fingerprints of applicants for licensing, employment, or certification to the Department of Justice for the purpose of establishing a record of the applicant to receive notification of subsequent arrests shall immediately notify the department when the employment of the applicant is terminated, when the applicant's license or certificate is revoked, or when the applicant may no longer renew or reinstate the license or certificate. The Department of Justice shall terminate subsequent arrest notification on any applicant upon the request of the licensing, employment, or certifying authority."

HANDBOOK ENDS HERE

- (2) If the applicants are being assessed or investigated for another adoption, the agency shall maintain the Subsequent Arrest Notification Service active.

HANDBOOK BEGINS HERE

- (A) The DOJ has a simple on-page form for this purpose entitled: "Contract for Subsequent Arrest Notification Service." This form may be obtained from, and returned to, the same address as provided in Section 35184(c)(1)(D).

1. The DOJ Bureau of Criminal Identification has a form entitled "No Longer Interested Notification" to be used for this purpose.

HANDBOOK ENDS HERE

- (e) The agency shall obtain the FBI criminal record, if any, of the applicant and any other adults residing in the home, from the DOJ when they have resided in California for less than two years or when information gathered in the assessment has given the agency reason to believe that they may have committed a crime in another jurisdiction.

Regulations	ADOPTIONS PROGRAM REGULATIONS PROCEDURES FOR AGENCY ADOPTIONS	35184
35184	CRIMINAL BACKGROUND CHECK OF APPLICANTS (Continued)	35184

HANDBOOK BEGINS HERE

- (1) Reason to believe that they may have committed a crime in another jurisdiction may be based on considerations such as the following:
 - (A) Statements or actions by them; statements by people providing references; a history of arrests and convictions in California; and employment in another state.
- (2) A licensed public adoption agency or an adoptions district office (DO) of CDSS may obtain FBI criminal record information directly from the DOJ regarding them if required by Section 35184(f) by submitting one set of fingerprints for each individual requiring an FBI criminal record clearance to the DOJ.
- (3) A licensed private adoption agency may obtain an FBI criminal record clearance for them if required by Section 35184(f) as follows:
 - (A) Submit a separate set of fingerprints to the DOJ for the FBI criminal record designating the CDSS - Adoption Branch as the 'CONTRIBUTING AGENCY'.
 - (B) Clearly indicate "Adoption" on the request to inform the DOJ of the purpose of the criminal record clearance request.
 - (C) Submit a copy of the criminal record clearance request to the CDSS - Adoptions Branch to request the CDSS to complete an assessment of the applicant's FBI criminal record when it is received from the DOJ. For notification purposes, the agency shall include its name and address on this copy of the request.
 1. Refer to Section 35184(c)(1)(A) for related information.
 2. The address for the CDSS Adoptions Branch Services Bureau is:

744 P Street, MS 19-31
Sacramento, CA 95814

HANDBOOK ENDS HERE

- (D) The agency shall obtain new sets of fingerprints and shall make new requests to the DOJ for the FBI criminal record in the event of subsequent adoptions unless the Subsequent Notification Service is still in effect.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8712, Family Code; and Section 11105.2, Penal Code.

35185	ADOPTIONS PROGRAM REGULATIONS PROCEDURES FOR AGENCY ADOPTIONS	Regulations
35185	INTERVIEWS DURING ASSESSMENT	35185
Repealed by Manual Letter No. AD-98-01, effective 8/1/98.		
35187	EXCEPTIONS TO ASSESSMENT INTERVIEW REQUIREMENTS	35187
Repealed by Manual Letter No. AD-98-01, effective 8/1/98.		
35189	IDENTIFYING INFORMATION AND EVALUATION OF CHARACTERISTICS OF APPLICANT	35189
Repealed by Manual Letter No. AD-98-01, effective 8/1/98.		
35191	INFORMATION AND STATEMENT TO BE PROVIDED TO THE ADOPTIVE APPLICANT	35191
Repealed by Manual Letter No. AD-98-01, effective 8/1/98.		
35193	INFORMATION AND SERVICES TO BE PROVIDED TO ADOPTIVE APPLICANT	35193
Repealed by Manual Letter No. AD-98-01, effective 8/1/98.		

SUBCHAPTER 5 PROCEDURES FOR AGENCY ADOPTIONS**Article 12 Adoptive Placement****35195 CHILD'S MEDICAL AND PSYCHOSOCIAL BACKGROUND INFORMATION TO BE PROVIDED TO THE PROSPECTIVE ADOPTIVE PARENTS 35195**

- (a) Before or at the time of the child's adoptive placement, the agency, using form AD 512, as specified by Section 35000(m)(2), shall give a written medical report about the child to the prospective adoptive parents in accordance with Family Code Section 8706. The agency shall obtain a written statement from the prospective adoptive parents acknowledging receipt of the report.

HANDBOOK BEGINS HERE

- (1) Family Code Section 8706, in pertinent part, states:

"(a) An agency may not place a child for adoption unless a written report on the child's medical background and, if available, the medical background of the child's biological parents so far as ascertainable, has been submitted to the prospective adoptive parents and they have acknowledged in writing the receipt of the report.

"(b) The report on the child's background shall contain all known diagnostic information, including current medical reports on the child, psychological evaluations, and scholastic information, as well as all known information regarding the child's developmental history and family life."

HANDBOOK ENDS HERE

- (2) The agency shall document the following information on the AD:
- (A) The name of any report, document, or information provided to the prospective adoptive parents.
1. The information provided to the prospective adoptive parents shall include a copy of the written assessment of the child as defined in Section 35127.
 2. The information provided to the prospective adoptive parents shall include all recommendations or comments made by the agency to the prospective adoptive parents about the child or his or her family background.
- (B) The name of any report, document, or information described in Section 35000(m)(2) that was not obtained and the reason(s) that the information was not available.
- (3) The agency shall attach the medical report documents to the AD 512 and complete the following procedures:

35195	CHILD'S MEDICAL AND PSYCHOSOCIAL BACKGROUND INFORMATION TO BE PROVIDED TO THE PROSPECTIVE ADOPTIVE PARENTS (Continued)	35195
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- (A) Photocopy, except as provided in Section 35195(a)(4), all available original source reports and evaluations obtained during the adoption investigation of the child and his or her birth parents' medical and family backgrounds.
1. The photocopies shall be listed on and attached to the AD 512.
- (B) Delete the names and addresses of all individuals, including former caretakers, the child, and the source, contained in all reports or evaluations, before releasing the AD 512 and the attached documentation, unless any of the following conditions exist:
1. The child is a relative of the prospective adoptive parents.
 2. The child has been placed in the home of the prospective adoptive parents as a foster child under the supervision of an agency.
 3. Before the finalization of the adoption, the court has ordered identifying information be provided to the prospective adoptive parents.
- (C) When the identity of other persons, such as other children in a former foster home, would be revealed or when the information is not directly related to the child's current or future well-being, include only summaries of original source reports shall be included on the AD 512.

HANDBOOK BEGINS HERE

1. The attachment of photocopied original source reports may not be appropriate under certain, limited circumstances.

HANDBOOK ENDS HERE

- (4) When providing information for the medical report, the agency shall not interpret or summarize medical terminology or any health condition indicated in the original source reports, except as noted in this section. Emphasis shall be placed on citing verbatim from any report or evaluation contained in the adoption record according to the following procedures:
- (A) If a birth parent has received psychiatric or psychological evaluations, the diagnosis of his or her condition shall be given verbatim.
1. The agency shall not release the original report of the evaluation.

35195	CHILD'S MEDICAL AND PSYCHOSOCIAL BACKGROUND INFORMATION TO BE PROVIDED TO THE PROSPECTIVE ADOPTIVE PARENTS (Continued)	35195
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- (B) If a birth parent has received in-patient psychiatric treatment, information concerning his or her diagnosis, response to treatment and prognosis shall be given verbatim.
1. The agency shall not release the original report of the hospitalization.
- (5) The agency shall advise the prospective adoptive parents that, upon receipt of the medical report, the prospective adoptive parents should consult their physician and/or mental health professional for further evaluation or interpretation, particularly if the report contains material sensitive in subject matter.
- (6) The agency shall document in the adoption case record the manner in which the information was released and the date on which the information was released.
- (7) The agency shall document in the adoption case record and court report the name of any report, document or information described in Section 35000(m)(2) that the agency was unable to obtain and the reason(s) that the information was not available.
- (8) The agency shall obtain the prospective adoptive parents' signatures in the space provided on the AD 512 acknowledging receipt of the report.
- (A) The agency shall make a copy of the completed AD 512 and any attached documents with the prospective adoptive parents' signatures for the adoption case record.
- (b) Before the finalization of the adoption, the agency shall give the prospective adoptive parents any medical and family background information about the child and his or her birth parents received after the release of the medical report pursuant to Section 35195(a).
- (1) The agency shall give the information upon its receipt to the prospective adoptive parents in the same manner described in Section 35195(a).

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608 and 8621, Family Code. Reference: Section 8706, Family Code.

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35197	PLACEMENT REQUIREMENTS	35197
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- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) Except as provided in Section 35199(b), an agency shall place a child for adoption only when the requirements of Section 35128 have been met.

- (c) In selecting prospective adoptive parents for a child, the agency shall:

- (1) Consider the expressed wishes of the relinquishing parent.
- (2) Follow the placement requirements of Family Code Sections 8708, 8709, 8710, and 8711.

HANDBOOK BEGINS HERE

- (A) Family Code Section 8708 is located at Section 35011(a)(1)(A).
- (B) Family Code Section 8709 is located at Section 35011(a)(1)(B).
- (C) Family Code Section 8710 is located at Section 35011(a)(1)(C).
- (D) Family Code Section 8711 is located at Section 35011(a)(1)(D).

HANDBOOK ENDS HERE

- (3) Select from identified prospective adoptive parents with approved assessments satisfying the criteria set forth in Sections 35180 and 35181 or 35183 and conducted by the agency, or other California licensed public or private adoption agencies, or licensed adoption agencies out of the state.

HANDBOOK BEGINS HERE

- (A) The family selected should be the one which is best able to meet the child's needs as determined by an assessment based on the criteria set forth in Section 35127.1.

HANDBOOK ENDS HERE

- (d) The agency shall make available counseling, information, and educational services to prospective adoptive parents whose racial, ethnic, or cultural background is different from the child's in an effort to assist the family to meet the child's needs and to be sensitive about others' perceptions of the child.

35197	PLACEMENT REQUIREMENTS (Continued)	35197
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(e) In a cooperative placement (where one agency has custody of the child and another agency completed and approved the assessment of the prospective adoptive parents), both agencies shall share responsibility for meeting all the requirements for the completion of the adoption.

(1) The agency that has custody of the child shall be responsible for meeting the requirements of the following sections:

(A) 35127.1Content of Written Assessment of the Child, and

35127.2Documents, Reports and Authorizations Required for Assessment of the Child, and

35127.3Services for Children Accepted for Adoption Planning;

(B) 35195 Child's Medical and Psychosocial Background Information to be Provided to the Prospective Adoptive Parents;

(C) 35201 Adoptive Placement Agreement;

(D) 35205 Providing Services to Prospective Adoptive Parents Who Move after the Adoptive Placement;

(E) 35207 Termination of an Adoptive Placement;

(F) 35325 through 35351 Adoption Assistance Program

1. 35325(e)(3)(C)1. and (D)2. Adoption Assistance Program Payment Amount and Agreement (only completed by licensed public adoption agencies).

(2) The agency that approved the assessment of the prospective adoptive parents shall be responsible for meeting the requirements of the following sections:

(A) 35177 Written Application to Adopt, Agency Actions, and Authority for Disapproval;

35197	PLACEMENT REQUIREMENTS	35197
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(Continued)

- (B) 35179 Information to be Provided to an Applicant;
 - (C) 35180 Written Assessment of the Adoptive Applicant and Documentation and
 - 35181 Full Assessment of the Adoptive Applicant, or
 - 35183 Abbreviated Assessment of the Adoptive Applicant;
 - 35184 Criminal Background Check of Applicants;
 - (D) 35197(c) Services Regarding Ethnic and Cultural Differences;
 - (E) 35203 Supervision of the Adoptive Placement;
 - (F) 35207 Termination of the Adoptive Placement;
 - (G) 35211 Completing the Court Report;
 - (H) 35213 Immediate Filing of the Court Report.
- (3) The agencies may modify the division of responsibilities set forth in Sections 35197(e)(1) and (2) by a mutual written agreement.
- (4) The agency that has responsibility for the custody of the child shall be responsible for meeting the requirements of Section 35197(b) regarding the selection of prospective adoptive parents.
- (f) The agency that has custody of the child shall file with the department the following documents which pertain to the placement of the child for adoption or the termination of an adoptive placement:
- (1) The AD 558.
 - (A) The agency shall file the AD 558 with the department within 15 days of the signing of the adoptive placement agreement.
 - (2) The AD 580.
 - (A) The agency shall file the AD 580 with the department within 15 days of the removal of the child from an adoptive home.

35197	PLACEMENT REQUIREMENTS (Continued)	35197
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- (g) The agency that has the responsibility to complete the court report shall also be responsible for meeting the requirements set forth in Section 35213 when the recommendation is to deny the adoption petition or when the prospective adoptive parents desire to withdraw the adoption petition.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621 Family Code. Reference: Sections 7630, 7634, 7660, 7669, 7893, 8700, and 8704, Family Code; and 25 U.S.C. 1901 et seq.

35199	EXCEPTION TO THE REQUIREMENT THAT CHILD BE LEGALLY FREED PRIOR TO ADOPTIVE PLACEMENT	35199
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- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) No agency shall sign an adoption placement agreement until the child is legally free for adoptive placement unless:
- (1) The child is already placed in a home with prospective adoptive parents who have an approved assessment satisfying the criteria set forth in Sections 35180, 35181, or 35183 and with the approval of the agency's administrator, and
 - (A) The birthmother and presumed father, if any, have signed a relinquishment document and
 - (B) The relinquishment document has been filed with the department, and
 - (C) The department has acknowledged the relinquishment and issued an AD 4333; and
 - (D) An action to terminate the rights of any alleged natural father pursuant to Family Code Sections 7630, 7634, 7660, 7662, or 7669 has been filed and is pending in court.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 7630, 7634, 7660, 7662, 7669, 7893, 8700, 8704, 8708, 8709, 8710, and 8711, Family Code; and 25 U.S.C. 1901 et seq.

35201 ADOPTIVE PLACEMENT AGREEMENT**35201**

- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) At the time of the adoptive placement, an adoptive placement agreement shall be signed by the agency representative and each prospective adoptive parent.

- (1) The placement agreement shall include, but not be limited to, statements regarding:

- (A) The rights and responsibilities of the agency and the prospective adoptive parents.

1. The child's legal status, including court dependency and any terms and/or conditions of the adoptive placement of a child not yet freed for adoption.

- (B) The agency's responsibility to retain custody of the child and to supervise the adoptive placement until the granting of the final decree of adoption in accordance with Family Code Section 8704 and Welfare and Institutions Code Section 366.26(i).

HANDBOOK BEGINS HERE

1. Family Code Section 8704 reads, in pertinent part, as follows:

"(a) The department or licensed adoption agency to which a child has been freed for adoption by either relinquishment or termination of parental rights is responsible for the care of the child, and is entitled to the exclusive custody and control of the child until an order of adoption is granted. Any placement for temporary care, or for adoption made by the department or a licensed adoption agency may be terminated in its discretion at any time before the granting of an order of adoption. In the event of termination of any placement for temporary care or for adoption, the child shall be returned promptly to the physical custody of the department or licensed adoption agency.

HANDBOOK CONTINUES

35201 **ADOPTIVE PLACEMENT AGREEMENT**
(Continued)**35201**

HANDBOOK CONTINUES

"(b) No petition may be filed to adopt a child relinquished to the department or a licensed adoption agency or a child declared free from the custody and control of either or both birth parents and referred to the department or a licensed adoption agency for adoptive placement, except by the prospective adoptive parents with whom the child has been placed for adoption by the department or licensed adoption agency. After the adoption petition has been filed, the department or licensed adoption agency may remove the child from the prospective adoptive parents only with the approval of the court, upon motion by the department or licensed adoption agency after notice to the prospective adoptive parents, supported by an affidavit or affidavits stating the grounds on which removal is sought. If the department or licensed adoption agency refuses to consent to the adoption of a child by the person or persons with whom the department or licensed adoption agency placed the child for adoption, the court may nevertheless order the adoption if it finds that the refusal to consent is not in the child's best interest."

2. Welfare and Institutions Code Section 336.26(i) reads as follows:

"If the court, by the order or judgment declared the minor free from the custody and control of both parents, or one parent if the other no longer has custody and control, the court shall at the same time order the minor referred to a licensed county adoption agency for adoptive placement by the agency. However, no petition for adoption may be heard until the appellate rights of the natural parents have been exhausted. The licensed county adoption agency shall be responsible for the care and supervision of the minor and shall be entitled to the exclusive care and control of the minor at all times until a petition for adoption is granted."

HANDBOOK ENDS HERE

- (C) The agency's responsibility to provide the prospective adoptive parents with a report on the child's medical background.
- (D) The availability of AAP to remove or reduce economic barriers to the placement of certain children who otherwise would remain in long-term foster care.

35201	ADOPTIVE PLACEMENT AGREEMENT (Continued)	35201
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- (E) The existence of or due to family history, the potential for any physical, mental, emotional, or medical handicap or condition of the child which may manifest itself after completion of the adoption.
- (F) The availability of California Children's Services and the fact that assistance under this program will terminate if the adoptive family moves out of California and that the adoptive family may be eligible for a similar program in the other state.
- (G) The agency's grievance review procedure.
- (H) The prospective adoptive parent's responsibility to place the child under the care of a licensed physician for the routine health care of the child.
- (I) The prospective adoptive parent's responsibility to inform the agency of any serious injury to or illness of the child and to obtain prior written consent for all nonemergency surgical and medical treatment of the child.
- (J) The prospective adoptive parent's responsibility to inform the agency regarding any changes in the composition of the adoptive family or the family's place of residence.
- (K) The agency's authority to terminate the adoptive placement and to remove the child from the home of the prospective adoptive parents at the agency's discretion unless a petition for adoption has been filed.
- (L) The agency's agreement to give seven days written notice to the prospective adoptive parents of its intention to terminate the adoptive placement and remove the child unless the agency believes the child to be in imminent danger in which case no prior notice shall be required.
- (M) The prospective adoptive parent's right to terminate the adoptive placement and return the child to the agency at any time prior to the granting of a final decree of adoption.
- (N) The provisions of Family Code Section 8713 and Penal Code Section 280 regarding concealment of a child.

35201 ADOPTIVE PLACEMENT AGREEMENT
(Continued)**35201**

HANDBOOK BEGINS HERE

1. Family Code Section 8713 reads as follows:

"(a) In no event may a child who has been freed for adoption be removed from the county in which the child was placed, by any person who has not petitioned to adopt the child, without first obtaining the written consent of the department or licensed adoption agency responsible for the child.

"(b) During the pendency of an adoption proceeding:

"(1) The child proposed to be adopted may not be concealed within the county in which the adoption proceeding is pending.

"(2) The child may not be removed from the county in which the adoption proceeding is pending unless the petitioners or other interested persons first obtain permission for the removal from the court, after giving advance written notice of intent to obtain the court's permission to the department or licensed adoption agency responsible for the child. Upon proof of giving notice, permission may be granted by the court if, within a period of 15 days after the date of giving notice, no objections are filed with the court by the department or licensed adoption agency responsible for the child. If the department or licensed adoption agency files objections within the 15-day period, upon the request of the petitioners the court shall immediately set the matter for hearing and give to the objector, the petitioners, and the party or parties requesting permission for the removal reasonable notice of the hearing by certified mail, return receipt requested, to the address of each as shown in the records of the adoption proceeding. Upon a finding that the objections are without good cause, the court may grant the requested permission for removal of the child, subject to any limitations that appear to be in the child's best interest.

"(c) This section does not apply in any of the following situations:

"(1) Where the child is absent for a period of not more than 30 days from the county in which the adoption proceeding is pending, unless a notice of recommendation of denial of petition has been personally served on the petitioners or the court has issued an order prohibiting the child's removal from the county pending consideration of any of the following:

"(A) The suitability of the petitioners.

"(B) The care provided the child.

HANDBOOK CONTINUES

Regulations	ADOPTIONS PROGRAM REGULATIONS PROCEDURES FOR AGENCY ADOPTIONS	35201
35201	ADOPTIVE PLACEMENT AGREEMENT (Continued)	35201

HANDBOOK CONTINUES

- "(C) The availability of the legally required agency consents to the adoption.
 - "(2) Where the child has been returned to and remains in the custody and control of the child's birth parent or parents.
 - "(3) Where written consent for the removal of the child is obtained from the department or licensed adoption agency responsible for the child.
 - "(d) A violation of this section is a violation of Section 280 of the Penal Code.
 - "(e) Neither this section nor Section 280 of the Penal Code may be construed to render lawful any act that is unlawful under any other applicable law."
2. The provisions of Penal Code Section 280 are located at Section 35085(b)(3)(B).

HANDBOOK ENDS HERE

- (O) The disbursement report required by Family Code Section 8610.

HANDBOOK BEGINS HERE

1. The provisions of Family Code Section 8610 are located at Section 35085(b)(4)(A).

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code. Reference: Sections 8610, 8704, and 8713, Family Code; 25 U.S.C. 1901 et seq.; and Sections 16118 and 16119, Welfare and Institutions Code.

35203 SUPERVISION OF THE ADOPTIVE PLACEMENT**35203**

- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) After the signing of the adoptive placement agreement, the agency shall supervise the adoptive placement.
- (c) The agency shall supervise the adoptive placement for a period of six months except in any of the following circumstances:
- (1) The prospective adoptive parent had an approved assessment and successfully completed the adoption of another child in California within the past five years and the placement was supervised by an agency.
 - (2) The prospective adoptive parent is commissioned or enlisted in the military service, or auxiliary of the United States, or is engaged in service on behalf of any governmental entity of the United States, or employed by the American Red Cross, or in any other recognized charitable or religious organization, whereas, completion of the six month supervisory period would delay completion of an adoption which the agency has determined should be completed.
 - (3) The child to be adopted is a foster child of the prospective adoptive parent whose foster care placement has been supervised by an agency before the signing of the adoptive placement agreement in which case the supervisory period may be shortened by one month for each full month that the child has been in foster care with the family.
 - (A) If the placement of a child was a voluntary foster care arrangement with no supervision by an agency, the adoptive placement shall be subject to a full six-month period of supervision that shall begin at the time the adoptive placement agreement is signed.
 - (4) The child to be adopted was a foster child placed with a relative or a relative of the child's half sibling whose foster care placement has been supervised by an agency before the signing of the adoptive placement agreement in which case the supervisory period may be shortened by one month for each full month that the child has been in foster care with the relative.

HANDBOOK BEGINS HERE

- (A) Although foster care placement with a relative may be exempt from licensure, adoptive placement with a relative is subject to supervision.

HANDBOOK ENDS HERE

35203	SUPERVISION OF THE ADOPTIVE PLACEMENT (Continued)	35203
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- (5) If the placement of a child with a relative or a non-relative was intended to be an independent adoption and the placement is converted to an agency placement, it shall be subject to a full six-month period of supervision that shall begin at the time a new adoptive placement agreement is signed.
- (d) The agency shall conduct a minimum of four visits during the supervision of the adoptive placement. At least one of these visits is to be held in the home with the prospective adoptive parent and the child.
- (1) The agency may reduce the number of visits, but shall not eliminate the one visit in the home, when the prospective adoptive parent:
- (A) Completed the adoption of another child in California whose placement was supervised by an agency within the last five years and has an approved assessment satisfying the criteria set forth in Sections 35180 and 35181, or
 - (B) Has been the foster parent of the child to be adopted for at least six months in a placement supervised by an agency and has an approved assessment satisfying the criteria set forth in Sections 35180 and 35183, or
 - (C) Has been the relative caregiver of the child to be adopted for at least six months in a placement supervised by an agency and has an approved assessment satisfying the criteria set forth in Sections 35180 and 35181 or Section 35183 or Section 35183.1, or
 - (D) Has been the foster parent of the child to be adopted for less than six months in a placement supervised by an agency and has an approved assessment satisfying the criteria set forth in Sections 35180 and 35181 or Section 35183 or Section 35183.1.
 - 1. Only two of all the visits made during the foster care placement may be counted toward the four required visits under the adoptive placement supervisory period.
 - (E) Has been the relative care giver of the child to be adopted for less than six months in a placement supervised by an agency and has an approved assessment satisfying the criteria set forth in Sections 35180 and 35181 or Section 35183 or Section 35183.1.
 - 2. Only two of all visits made during the foster care placement may be counted toward the four required visits under the adoptive placement supervisory period.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 7893 and 8704, Family Code; 25 U.S.C. 1901 et seq.; and Section 361.3, Welfare and Institutions Code.

**PROVIDING SERVICES TO PROSPECTIVE ADOPTIVE PARENTS
WHO MOVE AFTER THE ADOPTIVE PLACEMENT**

- (a) In planning for prospective adoptive parents who move after the adoptive placement, the agency shall:
- (1) Inform the prospective adoptive parents of the provisions of Family Code Sections 8611, 8612, 8613, 8614, 8616, and 8718, regarding prior court appearance, as appropriate.

HANDBOOK BEGINS HERE

(A) Family Code Section 8611 states:

"All court hearings in an adoption proceeding shall be held in private, and the court shall exclude all persons except the officers of the court, the parties, their witnesses, counsel, and representatives of the agencies present to perform their official duties under the law governing adoptions."

(B) Family Code Section 8612 states:

"(a) The court shall examine all persons appearing before it pursuant to this part. The examination of each person shall be conducted separately but within the physical presence of every other person unless the court, in its discretion, orders otherwise.

"(b) The prospective adoptive parent or parents shall execute the acknowledge an agreement in writing that the child will be treated in all respects as their lawful child.

"(c) If satisfied that the interest of the child will be promoted by the adoption, the court may make and enter an order of adoption of the child by the prospective adoptive parent or parents."

(C) Family Code Section 8613 states:

"(a) If the prospective adoptive parent is commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or is engaged in service on behalf of any governmental entity of the United States, or in the American Red Cross, or in any other recognized charitable or religious organization, so that it is impossible or impracticable, because of the prospective adoptive parent's absence from this state, or otherwise, to make an appearance in person, and the circumstances are established by satisfactory evidence, the appearance may be made for the prospective adoptive parent by counsel, commissioned and empowered in writing for that purpose. The power of attorney may be incorporated in the adoption petition.

HANDBOOK CONTINUES

35205**PROVIDING SERVICES TO PROSPECTIVE ADOPTIVE PARENTS
WHO MOVE AFTER THE ADOPTIVE PLACEMENT** (Continued)**35205**

HANDBOOK CONTINUES

- "(b) Where the prospective adoptive parent is permitted to appear by counsel, the agreement may be executed and acknowledged by the counsel, or may be executed by the absent party before a notary public, or any other person authorized to take acknowledgments including the persons authorized by Sections 1183 and 1183.5 of the Civil Code.
- "(c) Where the prospective adoptive parent is permitted to appear by counsel, or otherwise, the court may, in its discretion, cause an examination of the prospective adoptive parent, other interested person, or witness to be made upon deposition, as it deems necessary. The deposition shall be taken upon commission, as prescribed by the Code of Civil Procedures, and the expense thereof shall be borne by the petitioner.
- "(d) The petition, relinquishment or consent, agreement, order, report to the court from any investigating agency, and any power of attorney and deposition shall be filed in the office of the county clerk.
- "(e) The provisions of this section permitting an appearance through counsel are equally applicable to the spouse of a prospective adoptive parent who resides with the prospective adoptive parent outside this state.
- "(f) Where, pursuant to this section, neither prospective adoptive parent need appear before the court, the child proposed to be adopted need not appear. If the law otherwise requires that the child execute any document during the course of the hearing, the child may do so through counsel.
- "(g) Where none of the parties appears, the court may not make an order of adoption until after a report has been filed with the court pursuant to Section 8715, 8807, 8914, or 9001."
- (D) Family Code Section 8614 states:
- "Upon the request of the adoptive parents or the adopted child, a county clerk may issue a certificate of adoption that states the date and place of adoption, the birthday of the child, the names of the adoptive parents, and the name the child has taken. Unless the child has been adopted by a stepparent or by a relative, as defined in subdivision (c) of Section 8714.7, the certificate shall not state the name of the birth parents of the child."

HANDBOOK CONTINUES

**PROVIDING SERVICES TO PROSPECTIVE ADOPTIVE PARENTS
WHO MOVE AFTER THE ADOPTIVE PLACEMENT** (Continued)**HANDBOOK CONTINUES**

(E) Family Code Section 8616 states:

"After adoption, the adopted child and the adoptive parents shall sustain towards each other the legal relationship of parent and child and have all the rights and are subject to all the duties of that relationship."

(F) Family Code Section 8618 states:

"A child adopted pursuant to this part may take the family name of the adoptive parent."

HANDBOOK ENDS HERE

- (2) Inform the prospective adoptive parents that the agency is required by Family Code Section 7900 et seq. to comply with the provisions of the Interstate Compact for the Placement of Children.

HANDBOOK BEGINS HERE

(A) Additional requirements for children whose placement comes under the Interstate Compact on the Placement of Children are located at Sections 35401 through 35409.

HANDBOOK ENDS HERE

- (3) All requests for service to an out-of-state agency shall include a clear statement of:
- (A) The service requested and the help the family needs.
 - (B) The reports expected in accordance with California regulations.
 - (C) Whether finalization of the adoption is to be in California or in the other location.
 - (D) The arrangements that the agency has made for the return of the child to the California agency if the placement is unsuccessful.

35205	PROVIDING SERVICES TO PROSPECTIVE ADOPTIVE PARENTS WHO MOVE AFTER THE ADOPTIVE PLACEMENT (Continued)	35205
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- (E) Information regarding fees paid or to be paid.
- (4) If the request for service is refused, the out-of-state agency shall be requested to provide names of qualified agencies or practitioners to which the adoptive family may be referred for services.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 7900 et seq., 8611, 8612, 8613, 8614, 8616, and 8718, Family Code.

35207	TERMINATION OF THE ADOPTIVE PLACEMENT	35207
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- (a) (Reserved)

HANDBOOK BEGINS HERE

- (a) Refer to Subchapter 8 for additional procedures for the child subject to the provisions of the ICWA.

HANDBOOK ENDS HERE

- (b) In the event that a placement is terminated by the agency, and the child is to be removed from the home of the prospective adoptive parents, and the agency has no reason to believe that the child is in imminent danger the agency shall:
 - (1) Provide the prospective adoptive parents with a written notification of the agency's reasons for terminating the placement.
 - (A) The notice shall be sent seven days prior to the termination of the placement.
 - (B) The notice shall state the specific conditions which led to the agency's decision to remove the child.
 - (C) The notice shall inform the prospective adoptive parents of the right to a grievance review under Subchapter 5 Article 9, Section 35233.

35207 TERMINATION OF THE ADOPTIVE PLACEMENT (Continued)**35207**

- (c) In the event that a relinquishment document names the person or persons with whom the relinquishing parent intends that placement of the child for adoption be made by the agency and the agency terminates the placement with the named person or persons, the agency shall notify the relinquishing parent naming the person or persons of the termination of the placement and of his or her right to rescind the relinquishment and reclaim the child as required by Family Code Section 8700 Subdivision (f).

HANDBOOK BEGINS HERE

- (1) Family Code Section 8700 Subdivision (f) reads as follows:

"(f) Notwithstanding subdivision (d), if the relinquishment names the person or persons with whom placement by the department or licensed adoption agency is intended and the child is not placed in the home of the named person or persons or the child is removed from the home prior to the granting of the adoption, the department or licensed adoption agency shall mail a notice by certified mail, return receipt requested, to the birth parent signing the relinquishment within 72 hours of the decision not to place the child for adoption or the decision to remove the child from the home.

HANDBOOK ENDS HERE

- (d) If a placement is terminated before finalization of the adoption, the agency shall determine whether the family is to be considered for the placement of another child or whether approval of the family is to be withdrawn.
- (1) The agency shall document its determination in the case record.
- (2) The agency shall give the family written notice of its determination.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8700, Family Code; and 25 U.S.C. 1901 et seq.

35207.1	REPORTING SUSPECTED CHILD ABUSE	35207.1
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- (a) If the agency knows or reasonably suspects the prospective adoptive parents have endangered the physical or mental health of a child by abuse or neglect, the agency shall immediately contact the appropriate child protective agency and file the mandatory "Suspected Child Abuse Report" (Form SS 8572 Revised 1/93) pursuant to Penal Code Section 11166(a).

HANDBOOK BEGINS HERE

- (1) The pertinent part of Penal Code Section 11166(a) is located at Handbook Section 35125.1(a)(1).
- (2) "Child Abuse" is defined at Handbook Section 35125.1(a)(1)(A).
- (3) "Child care custodian" is defined at Handbook Section 35125.1(a)(1)(B).

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code. Reference: Section 8700, Family Code; and Sections 11165, 11165.1, 11165.2, 11165.3, 11165.4, 11165.6, and 11165.7, Penal Code.

35209	MEDICAL REPORT ON CHILD	35209
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Renumbered to Section 35195 by Manual Letter No. AD-98-01, effective 8/1/98.

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SUBCHAPTER 5 PROCEDURES FOR AGENCY ADOPTIONS**Article 13 Completing the Adoption****35209 KINSHIP ADOPTION AGREEMENT****35209**

- (a) If the adoption petition includes a proposed kinship adoption agreement, the agency shall review the documents to determine whether all the following requirements are satisfied:
- (1) A kinship, as defined in Family Code Section 8714.7(c), exists between the adopting relatives and the child which allows a kinship adoption agreement.

HANDBOOK BEGINS HERE

- (A) Family Code Section 8714.7(c), states:

"(c) This section is applicable only to kinship adoption agreements in which the adopting parent is a relative of the child or a relative to the child's half-sibling and the adoption petition is filed under Section 8714.5. For purposes of this section and Section 8714.5, "relative" means an adult who is related to the child or the child's half sibling by blood or affinity, including all relatives whose status is preceded by the words "step," "great," "great-great," or "grand," or the spouse of any of these persons, even if the marriage was terminated by death or dissolution."

HANDBOOK ENDS HERE

- (2) The content of the proposed kinship adoption agreement meets the statutory requirements specified in Family Code Section 8714.7.
- (3) The proposed kinship adoption agreement is in the best interest of the child.
- (4) The child who is to be adopted has consented to and signed the kinship adoption agreement, if he or she is age 12 or older.
- (b) The agency shall advise the adopting relative and the birth parent if any determination made under Section 35127.1 will cause the agency to recommend that the court not grant the post-adoption contact privileges in the proposed kinship adoption agreement.
- (c) The agency shall include in its report to the court a discussion of its findings and conclusions based on determinations made under Section 35127.1 and a recommendation as to whether the court should grant the post-adoption contact privileges in the proposed kinship adoption agreement.

35209	KINSHIP ADOPTION AGREEMENT (Continued)	35209
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- (1) If the proposed kinship adoption agreement has been amended following advice given pursuant to Section 35127.1, the agency shall base its court report on the amended kinship adoption agreement.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8714.5, 8714.7, and 8715, Family Code.

35211	COMPLETING THE COURT REPORT	35211
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- (a) Before submitting a report to the court, the agency shall provide written information about the availability of Adoption Assistance Program (AAP) benefits to the prospective adoptive parents.
- (b) The agency shall file a report to the court in all cases where the agency has signed an adoptive placement agreement and the prospective adoptive parents have filed an adoption petition.
 - (1) The report to the court shall be submitted as soon as all requirements are completed but no later than either 180 days after the adoption petition has been filed or the time extended by the court.
 - (2) If two or more agencies are participating in a cooperative placement, the prospective adoption family's agency shall be responsible for preparing the report to the court unless the agencies mutually agree otherwise.
- (c) The agency shall give the petitioners or their attorney a copy of the court report at the time it is filed.
- (d) The report to the court shall include, to the extent available, the following information:
 - (1) Medical and family background information about the birth parents as required by Section 35195(a).
 - (2) Information obtained in the Assessment of the Child as required by Section 35127.1.
 - (3) Information obtained in the Assessment of the Applicant as required by Section 35180.
 - (4) Conclusions drawn from an assessment of whether the petitioner's record of criminal or violent behavior, if any, will affect his or her ability to provide appropriate parenting and a stable and safe home environment for the child.
 - (A) The agency shall utilize the most current criminal record information in its preparation of the court report.

35211**COMPLETING THE COURT REPORT****35211**

(Continued)

- (B) A licensed private adoption agency which has placed a child with an applicant requiring an FBI criminal record assessment by the CDSS -Adoptions Branch shall provide written notice to the CDSS at least 20 working days prior to the anticipated adoption petition hearing date that the agency is preparing to finalize an adoption, and request the CDSS assessment of the FBI criminal record, if any, be submitted to the court prior to the hearing date.
- (5) If the prospective adoptive parent is a relative of the child to be adopted and a written agreement pursuant to Family Code Section 8714.7 has been negotiated by the birth relatives, a statement of whether the kinship adoption agreement is in the child's best interest.
- (A) A statement recommending approval or disapproval of the kinship adoption agreement shall be included.
- (6) A copy of the documentation that the child is legally free for finalization of the adoption.
- (7) A recommendation that the petition be either granted or denied.
- (8) A copy of the AD 824 properly executed.
- (9) A copy of the VS 44 properly completed.

HANDBOOK BEGINS HERE

- (A) The VS 44 is a request to amend the child's original birth certificate.
- (B) The prospective adoptive parents may request that the State Registrar not issue a new birth certificate by selecting the appropriate option on the VS 44.

HANDBOOK ENDS HERE

- (C) The agency shall ensure that the prospective adoptive parents complete the applicable section and sign the form.
- (D) The agency shall complete the sections which pertain to the birth parents after the prospective adoptive parents have completed their section.
- (E) In the event of the death of one of the prospective adoptive parents before finalization of the adoption, the agency shall inform the survivor of the provisions of Family Code Section 8615.

35211 COMPLETING THE COURT REPORT
(Continued)**35211**

HANDBOOK BEGINS HERE

1. Family Code Section 8615, in pertinent part, states:

"(a) Notwithstanding any other law, an action may be brought in the county in which the petitioner resides for the purpose of obtaining for a child adopted by the petitioner a new birth certificate specifying that a deceased spouse of the petitioner who was in the home at the time of the initial placement of the child is a parent of the child."

HANDBOOK ENDS HERE

- (10) The agency shall state in the court report whether the birth certificate contains false information.

HANDBOOK BEGINS HERE

- (A) Information disclosed by a birth parent is considered part of the adoption case record and is therefore confidential. That such information is inaccurate may not be released to the Department of Health Services. When the agency believes that false information has been given in order to secure a birth certificate, the agency should include the allegation of falsehood and the specific facts in its court report.

HANDBOOK ENDS HERE

- (11) A statement verifying that the agency provided written information about the AAP to the prospective adoptive parents.

- (e) The agency shall not include the names and addresses of the birth parents in the court report, unless:

- (1) The child is being adopted by relatives as defined in Section 35000(r)(5)(A) and the adopting relative or the child, who is age 12 years or older, requests that the court report include:

- (A) The name of the birth parents.
- (B) The name the child had before the adoption.

35211	COMPLETING THE COURT REPORT	35211
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(Continued)

HANDBOOK BEGINS HERE

- (f) If an agency is a party or joins in the adoption petition and the department intends to submit a court report but is unable to complete it by the time indicated on the agency's notice, the department will advise the agency before the hearing date so that the hearing may be postponed.

- (1) Family Code Section 8715, in pertinent part, states:

"The department may also submit a report in those cases in which a licensed adoption agency is a party or joins in the adoption."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8614, 8615, 8616, 8617, 8618, 8712, 8714.5, 8714.7, and 8715, Family Code; Sections 102635, 102640, 102645, 102650, 102660, 102670, 102675, 102680, 102695, and 102700, Health and Safety Code; and Section 16119, Welfare and Institutions Code.

35213	IMMEDIATE FILING OF THE COURT REPORT	35213
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- (a) After the prospective adoptive parents have filed the petition to adopt the child, the agency shall immediately file the court report when any of the following conditions exist:

- (1) There is a serious question concerning the suitability of the prospective adoptive parents.
- (2) There is a serious question concerning the care provided to the child.

- (A) If the agency knows or reasonably suspects the prospective adoptive parents have endangered the physical or mental health of a child by abuse or neglect, the agency shall immediately contact the appropriate child protective agency and file the mandatory "Suspected Child Abuse Report" (Form SS 8572 Revised 1/93) pursuant to Penal Code Section 11166(a).

HANDBOOK BEGINS HERE

1. The pertinent part of Penal Code Section 11166(a) is located at Handbook Section 35125.1(a)(1).
2. "Child Abuse" is defined at Handbook Section 35125.1(a)(1)(A).
3. "Child care custodian" is defined at Handbook Section 35125.1(a)(1)(B).

HANDBOOK ENDS HERE

35213**IMMEDIATE FILING OF THE COURT REPORT****35213**

(Continued)

- (3) The prospective adoptive parents have indicated a desire to withdraw the adoption petition.
 - (4) A petition for the adoption of a child for whom the agency has care, custody, and control pursuant to Family Code Section 8704(a) is filed by persons with whom the agency has not signed an adoptive placement agreement.
- (b) The agency shall include in the court report, as appropriate, the following:
- (1) The basis for its concerns regarding the suitability of the prospective adoptive parents or the care provided the child.
 - (2) A request to the court for direction regarding the situation giving rise to the agency's concern.
 - (3) A recommendation that the adoption petition be denied.
 - (4) A recommendation that the adoption petition be withdrawn according to the prospective adoptive parent's wishes.
 - (5) A request that the adoption petition be dismissed if it was filed by persons with whom the agency has not signed an adoptive placement agreement.
- (c) If the agency recommends that the adoption petition be denied or withdrawn, it shall appear at the hearing to represent the child.

HANDBOOK BEGINS HERE

- (1) Family Code Section 8720 states:
 - "(a) If the department or licensed adoption agency finds that the home of the petitioners is not suitable for the child or that the required agency consents are not available and the department or agency recommends that the petition be denied, or if the petitioners desire to withdraw the petition and the department or agency recommends that the petition be denied, the clerk upon receipt of the report of the department or agency shall immediately refer it to the court for review.
 - "(b) Upon receipt of the report, the court shall set a date for a hearing of the petition and shall give reasonable notice of the hearing to the department or licensed adoption agency, the petitioners, and if necessary, the birth parents by certified mail, return receipt requested, to the address of each as shown in the proceeding.
 - "(c) The department or licensed adoption agency shall appear to represent the child."

HANDBOOK ENDS HERE

35213	IMMEDIATE FILING OF THE COURT REPORT	35213
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(Continued)

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 8704, 8715, 8719, and 8720, Family Code; and Sections 11165, 11165.1, 11165.2, 11165.3, 11165.4, 11165.6, 11165.7, and 11166, Penal Code.

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SUBCHAPTER 5 PROCEDURES FOR AGENCY ADOPTIONS**Article 14 Grievance Review****35215 WRITTEN REQUEST FOR GRIEVANCE REVIEW****35215**

- (a) Upon written request from an applicant or a prospective adoptive parent, the agency shall provide for a grievance review hearing on any action taken by the agency before a petition for adoption is filed.
- (1) The agency shall advise applicants or prospective adoptive parents that the request for a grievance review hearing shall:
- (A) Be signed by the applicant or prospective adoptive parent or his or her authorized representative.
 - (B) State specifically the facts surrounding the action complained of.
 - (C) Be submitted to the agency within thirty days of the agency action which is the subject of the complaint, except as specified in (D) below.
 - (D) Be submitted to the CDSS - Adoptions Branch if the grievance concerns an action taken by a licensed private adoption agency based on the FBI criminal record.

HANDBOOK BEGINS HERE

1. The agency will inform the applicant that in some cases two grievance reviews may be necessary.

HANDBOOK ENDS HERE

- (2) No request for a grievance review hearing shall be granted if the request for a grievance review hearing is based solely on any of the following:
- (A) Any action of the agency in compliance with a court order.
 - (B) A question regarding the validity of a statute or a regulation.
 - (C) Any issue for which a state hearing is available under Welfare and Institutions Code Section 10950.

HANDBOOK BEGINS HERE

- (D) Welfare and Institutions Code Section 10950, in pertinent part, reads:

"Welfare and Institutions Code Section 10950: If any applicant for or recipient of public social services is dissatisfied with any action of the county department relating to his application for or receipt of public social services, if his application is not acted upon with reasonable promptness, or if any person who desires to apply for public social services is refused the opportunity to submit a signed application therefor, and is dissatisfied with such refusal, he shall, in person or through an authorized representative, without the necessity of filing a claim with the board of supervisors, upon filing a request with the State Department of Social Services or the State Department of Health Services, whichever department administers the public social service, be accorded an opportunity for a fair hearing...."

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 8712, Family Code.

35217	SCHEDULING AND NOTICE OF GRIEVANCE REVIEW HEARING	35217
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- (a) The agency shall schedule the grievance review hearing to be held within 10 working days from the date the written request for the grievance review hearing is received by the agency.
- (1) The agency shall give notice to all parties to the grievance review hearing of the time, date, and place scheduled for the grievance review hearing.
- (A) The agency shall send the notice not less than five working days prior to the scheduled grievance review hearing.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Sections 10553(e) and 10950, Welfare and Institutions Code.

35219	CONDUCTING THE GRIEVANCE REVIEW HEARING	35219
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- (a) The grievance review hearing shall be conducted by a grievance review agent in a nonadversary atmosphere insofar as possible.
 - (1) The agency shall provide for the recording of the grievance review hearing.
 - (2) The parties to the grievance review hearing, their authorized representatives, if any, and witnesses while testifying shall be the only persons authorized to be present during the grievance review hearing unless:
 - (A) All parties and the grievance review agent agree to the presence of other persons.
 - (3) If the grievance review agent determines that additional evidence or witnesses are necessary in order to make a recommendation to the agency director, the grievance review agent shall continue the grievance review hearing for a period not to exceed 10 working days.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 10553(e), Welfare and Institutions Code.

35221	WRITTEN RECOMMENDATION OF GRIEVANCE REVIEW AGENT AND DECISION OF DIRECTOR	35221
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- (a) The grievance review agent shall make a written recommendation to the agency director regarding resolution of the grievance within five working days after completion of the grievance review hearing.
- (1) The agency director shall make a written decision within five working days of the receipt of the recommendations of the grievance review agent, based upon the evidence presented at the grievance review hearing.
- (A) The written decision shall:
1. Summarize the facts and issues involved.
 2. Make specific findings regarding the issues.
 3. Be sent to:
 - (i) Each party to the grievance.
 - (ii) Each authorized representative of each party, if any.
 - (iii) The department.

NOTE: Authority cited: Section 10553, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 8621, Family Code. Reference: Section 10553(e), Welfare and Institutions Code.

35225	PROCEDURES FOR PROSPECTIVE ADOPTIVE PARENTS WHO MOVE AFTER THE ADOPTIVE PLACEMENT AND REQUESTS FOR SERVICE	35225
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Renumbered to Section 35205 by Manual Letter No. AD-98-01, effective 8/1/98.

35227	SECURING AN AMENDED BIRTH CERTIFICATE	35227
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Repealed by Manual Letter No. AD-98-01, effective 8/1/98.

35231	CONCURRENT PETITIONS	35231
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Repealed by Manual Letter No. AD-98-01, effective 8/1/98.